IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16765 of 2004

Between:

M.Baddu Naik, S/o M.Laxma Naik,
R/o Peddabidiki Village, Settypalli Post, Sambepalli Mandal,
Kadapa District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kadapa Town, Kadapa District
2 The Mandal Revenue Officer, Sambepalli, Kadapa District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or an order, or a Writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not receiving the demand drafts submitted by the petitioner and not releasing the essential commodities to the Petitioner's Fair Price Shop of Peddabidiki Village H/o Settipalli, Sambepalli Mandal, Kadapa District, as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to release the essential commodities to the Petitioner's Fair Price Shop by receiving the demand drafts forthwith.

Counsel for the Petitioner : MR. S.S.BHATT

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITON NO.16765 OF 2004

ORAL ORDER :

The petitioner claims to be the fair price shop dealer of Peddabidiki village, Settypalli Post, Sambepalli Mandal, Kadapa District.

This writ petition is filed seeking a declaration that the alleged action of the respondents in not accepting the demand drafts submitted by the petitioner and not releasing the essential commodities to him for distribution to cardholders is arbitrary and illegal.

When the matter is taken up for consideration, the learned Government Pleader for Civil Supplies appearing for the respondents, under instructions, states that the petitioner was appointed only as a temporary dealer in a vacancy caused due to the cancellation of the authorization of the permanent dealer. However the appeal

preferred by the permanent dealer against the order of cancellation was allowed by the Joint Collector on 02-09-2004 and in view of the restoration of authorization, the essential commodities were not released to the petitioner who is only a temporary dealer. The learned Counsel for the petitioner seeks time for ascertaining the said fact. Having regard to the facts and circumstances of the case, I am not inclined to keep the writ petition pending any longer and accordingly the Writ Petition is disposed of with an observation that in case the vacancy in respect of the shop in question still continues, the respondents may consider the possibility of continuing the petitioner as a temporary dealer.

With the above observation, Writ Petition is disposed of. No costs.

_____

13th October, 2004.

gbs

To

1 The Revenue Divisional Officer, Kadapa Town, Kadapa District
2 The Mandal Revenue Officer, Sambepalli, Kadapa District

3.2CCs to G.P. for Civil Supplies, High Court of AP Bldgs, Hyderabad (OUT).

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